

APPENDIX C
PLAN FOR REDUCING THE NUMBER OF CONFIRMED
INCIDENTS OF ABUSE, NEGLECT & EXPLOITATION

The Burke Center Board of Trustees has adopted a policy that prohibits the abuse, neglect, and/or exploitation of individuals served by Center employees, volunteers, consultants, and contract providers. Supports have been designed and implemented to ensure that all risks to individuals have been minimized. They include staff screening, staff education and training for individuals served in recognizing and reporting all forms of abuse and neglect.

Pre-Employment Screening Procedures:

To minimize unnecessary or unreasonable risk, the Center mandates the following:

- A. All individuals considered for employment will have an investigation made to determine the existence of a criminal history with the Texas Department of Public Safety or other suitable sources; a driver's record check; and an investigation made to determine the existence of an abuse/neglect confirmation through the Texas Department of Aging and Disability Services, the Employee Misconduct Registry, and the Nurse Aid Registry. This also applies to volunteers. If the applicant has lived outside of Texas within the past two years preceding the application for employment/volunteer status, the Center will obtain criminal history information through the FBI. These screenings will also be conducted on an annual basis for all current employees.
- B. Human Resources, will review all pre-employment checks that reflect convictions of other types of criminal offenses that may be considered a contraindication to employment or volunteer status and make the decision relative to the employment (of the applicant or conditional new hire) or continued employment (of an existing employee).
 - 1) The nature and elements of the offense, including the circumstances surrounding the offense.
 - 2) The nature of the job and the job responsibilities for which the individual is being Considered (or for the position which is occupied for existing employees).
 - 3) The remoteness in time of the offense or offenses.
 - 4) The number and frequency of offenses, and the age of the individual at the time of the offense.
 - 5) Texas Administrative Codes that relate to the above screenings.

If an applicant is denied employment because of information obtained through the Texas Department of Public Safety, Nurses Aid Registry or Employee Misconduct Registry, he or she will be notified in writing by the Human Resource Department as indicated in TAC, Chapter 414.506, Subchapter K. As required by Texas Government Code 411.115, the Center must destroy conviction information that relates to an applicant/volunteer immediately after making an employment decision or taking personnel action to determine employment status.

- C. All abuse and neglect data and arrest and conviction data received is intended for the exclusive use of the Burke Center and is to be treated as privileged information. As such, this information will not be disclosed to any other person or agency except on court order, or, as authorized by the employee in writing, or as required by contracts for services to which the Center is a party.

- D. All individuals considered for employment will have an initial driving record check and the same driving check will be conducted annually for all staff to verify valid Texas driver's licenses and to determine whether or not the driving record is insurable by our insurance carrier. This also applies to volunteers. This will be done by the Human Resource Office, and appropriate supervisors will be notified by Human Resources if anyone's driver's license has been revoked or driving record is uninsurable. An employee without a valid Texas driver's license will not be eligible to drive Center vehicles, transport consumers in any vehicle, or drive any vehicle on Center business. (See Section 7.8 of the Burke Center Human Resources Administrative Guide for definition of uninsurable driving record.)

- E. In case of existing Burke Center employees, it is the responsibility of the employee to notify the Director of Human Resources in the following situations:
 - 1) The employee is convicted of any offense listed on the Pre-employment Screening Information form.
 - 2) The employee gets cited for DWI/DUI or gets a restriction placed on their license to drive (as a result of a driving infraction) and has a job that requires driving for the Center.
 - 3) The employee gets a substantiated charge of client abuse or neglect against them from another employer.

Staff Training:

All employees will receive pre-service training and annual training through written curriculum and competency-based test. The material covered includes a thorough explanation of the acts and signs of possible abuse, neglect, or exploitation; disciplinary consequences of abuse, neglect or exploitation, procedures for reporting incidents, and methods for prevention.

Classroom training may also be provided to Mental Retardation Residential staff to discuss the types of abuse, how to identify and report allegations of abuse; and methods for prevention. Staff also discuss past allegations (no names or units given) and steps/actions that could have taken place to prevent the allegation; and why incident was perceived and/or confirmed as abuse.

Consumer Training:

The Mental Retardation Service Division provides training to individuals who request and/or have not achieved their personal outcome of "People will be free from Abuse" on the Personal

Outcomes Assessment. Training provided to individuals may be provided one-on-one or in a classroom setting.

When An Allegation is Received:

When an employee receives an allegation or has reason to suspect that an individual has been or will be adversely affected by abuse, neglect, or exploitation, he/she must make an immediate report to the Department of Family and Protective Services. Within one hour of an allegation being made TDFPS will contact the Center's Chief Executive Officer (CEO) or designee to inform them that an allegation has been made. The CEO or designee will notify the Service Director of the unit in which the allegation has been made who will:

- 1) if appropriate, notify the licensing/accrediting state agency of the allegation;
- 2) contact local law enforcement, if applicable;
- 3) notify the individual's LAR and/or primary caregiver, if applicable;
- 4) ensure that medical attention/care or emotional support is provided to the individual when necessary or appropriate;
- 5) determine and implement any safeguards to ensure the individuals safety and welfare; and
- 6) take appropriate administrative action based on the seriousness of the allegation to include:
 - a. placing the alleged target on administrative leave;
 - b. allowing the alleged target to only work when his/her direct supervisor is present; and/or
 - c. re-assign the alleged target to a non-direct care position during the course of the investigation

When an allegation of abuse has been received the Service Director will inform staff that they should fully cooperate with the investigator. Staff will also be informed that they should not discuss the incident amongst themselves or with others.

For allegations involving an individual enrolled in ICF/MR, the QMRP will be responsible for providing a written summary of the investigation to date within five (5) working days of reporting the incident to DADS.

Upon completion of the investigation, TDFPS will submit the Investigative Findings Summary to the Center's Designee. Upon receipt of the report, the Designee will contact appropriate management staff to review and discuss the findings and any recommendations made by the investigator. Should the allegation be confirmed, the Director of Human Resource will also be contacted to determine the appropriate administrative action. These actions may include: written warnings; placing the staff member on probation; and/or termination.

It should also be noted that unconfirmed and/or unfounded allegations may also require action by administration to ensure the safety and well being of individuals served.

Within five days of receiving the Investigation summary, the Center's Designee will:

- 1) send a letter to the individual and his/her guardian to inform them of the Investigative Findings and action taken if allegation is confirmed. The letter will include information on how to request a copy of the Investigative Summary and how to Appeal the findings.
- 2) send a letter to the alleged perpetrator of the investigation notifying him/her of the findings; and
- 3) forward a copy of the TDFPS Investigative Summary to the regional and state offices of Texas Department on Aging & Disabilities, if applicable.

Trending of Allegations:

All allegations of abuse are tracked/trended. By trending allegations, Burke Center is able to identify outliers such as the number of times a staff member has been an alleged perpetrator; the number of allegations made on behalf of an individual; the number of allegations submitted per unit/location, action taken on confirmed allegations, etc... When an outlier has been noted, it is imperative that administration discuss and take action to reduce any potential threat to individuals. This action may include dismissing an employee with a high number of allegations submitted against them, even though all may have been unconfirmed; providing more intensive training to staff; and/or re-organizing/re-structuring how a program is run.

The designee submits a quarterly report to the Compliance Committee and to Senior Management of all allegations made during the quarter. This report also includes a historical report on allegations/findings.